

Honorable Harold Baer, Jr.
United States District Judge
Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007

February 21, 2008

Re: Jude v. Gonzales, et al. 07-CV-6593 (HP)(DFE)

Dear District Judge Baer:

I am the plaintiff in the above titled case and would like permission to amend the complaint to add a defendant to this action before the set scheduled end date to add defendants. The defendant that I would like to add is Commissioner Martin F. Horn. I have written to my attorney in regards to this and have not received an response and would like to assure that I have the opportunity to to do this and not loose the right.

This revelation of defendant Horn came about after the private settlement agreement in the INGLES v. TORO 438 F. Supp.2d 203 (S.D.N.Y. 2006). case in which is not an enforceable court order or consent decree and the Commissioner retained full authority and discretion to manage the agency in accordance to the City Charter. and has failed to enforce any changes in his use of force policy and specifically ESU officers using force and administering unjustified beatings and falsifying documents and fabricating claims of provocation to cover up the assaults which has been policy and procedure, and I might be forced to seek other counsel in this matter to represent me.

Thank you ahead of time for your cooperation & consideration in these regards.

Respectfully submitted

cc: Stuart Jacobs (SJ 8379)
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Harold Baer, Jr., U.S.D.J.

2/24/08

unintentionally there must be personal involvement in order to happen & here he has he is not a police officer & unless you plead a Monell claim that will not help him in for a Monell claim if you can

Endorsement:

Unfortunately there must be personal involvement in order to keep a defendant in and here while Horn has the power you say he has he is only a policy maker and unless you plead a Monell claim that will not keep him in for long - for now your letter motion is denied. You may submit a Monell claim if you can.